



APPEAL TO THE BOARD OF ADJUSTMENT

Petition Date: March 3, 2016

Owner/Applicant: Charles & Lily Voellinger

Requested Action: An 8-foot variance from the required front yard setback of 18 feet along Hanley Road (Section 405.1900.1); and a 26.3-foot variance from the required rear yard setback of 43.3 feet (Section 405.1900.2).

Location of Site: 606 East Polo Drive

Subdivision: Country Club Place

Size of Property: 16,718 square feet

Zoning District: R-2 Single Family Dwelling District

Prepared By: Louis Clayton, Planner

Date: February 26, 2015

Plans are available for review during business hours in the Department of Planning and Development Services.

Louis Clayton
Planner/Staff Liaison

Exhibits:

- A. Code of Ordinances for the City of Clayton & Clayton Master Plan
- B. Zoning Review Application and Denial Letter from Louis Clayton, Planner
- C. Appeal to the Board of Adjustment
- D. Drawings submitted by Applicant including a property survey, site plan, and elevations
- E. Staff Report

STAFF REPORT

EXISTING CONDITIONS:

The 16,718-square-foot property is located at the southwest corner of South Hanley Road and Middle Polo Drive. The property has a zoning designation of R-2 Single Family Dwelling District and the surrounding properties (west of Hanley Road) contain single-family residences. The shape of the lot is irregular, and narrows 42 feet from north to south. The property contains an existing 3,278-square-foot home which was constructed in 1921 and is oriented towards East Polo Drive. A tuck-under garage on the east side of the home is accessible from Hanley Road. The following map shows the subject property and adjacent properties:



PROJECT DESCRIPTION:

The applicant proposes to construct multiple additions to the west, north and east sides of the home which are in conformance with the setback requirements. On the south side of the home, an 872-square-foot addition containing a garage, storage, and mud room is proposed and fails to comply with the required rear and front yard setbacks. As part of the project, the existing curb cut on Hanley Road will be removed, and a new driveway will be constructed from East Polo Drive.

The subject property is a “corner lot” as defined in Section 405.390 of the Zoning Regulations: “A lot abutting upon two or more streets at their intersection.” On corner lots, each yard area with frontage is considered a front yard, which for this property, includes the yard areas fronting East Polo Drive, Middle Polo Drive, and Hanley Road. Staff has determined that for this project, the required front yard setback on Hanley Road is 18 feet.

The southern property line is considered a rear property line pursuant to Section 405.1900.2.b: Rear Yard Setbacks: “Where a corner lot exists and thereby two front yards, the property line opposite to the longer front yard line with the greater street frontage shall be considered the side yard and the property line opposite to the front yard line with the lesser street frontage shall be considered the rear yard.” The required rear yard setback is 43.3 feet based on the average depth of the lot.

VARIANCE REQUEST:

On February 1, 2016, Charles Voellinger, owner, submitted an application for Zoning Review and plans for the construction of multiple additions to the existing home. On February 4, 2016, staff completed an initial review of the plans and prepared a Zoning Review Denial Letter addressed to the applicant indicating that the proposed addition encroaches 8 feet into the required 18-foot front yard setback along Hanley Road, and 26.3 feet into the required 43.3-foot rear yard setback. The applicant is requesting the following variances:

- An 8-foot variance from the required front yard setback of 18 feet along Hanley Road (Section 405.1900.1); and
- A 26.3-foot variance from the required rear yard setback of 43.3 feet (Section 405.1900.2).

The existing property owner of record, appellant and adjoining property owners have been advised of this variance request and the date and time of the hearing. Additionally, the property has been posted with a public hearing notice.

ANALYSIS:

Staff’s analysis is based on a preliminary assessment of elements of the applicable ordinances, information contained in the file, documents and observations made of the site and its environs. As part of this variance request, the applicant must demonstrate that an extreme hardship or severe practical difficulty exists based upon the shape of the lot, topography or other natural situation not the fault of the applicant. Therefore, in considering this appeal, the Board of Adjustment is authorized to grant a variance only upon findings that:

- a. There are practical difficulties or unnecessary hardships associated with the strict application of the Zoning Regulations, due to the exceptional or unique circumstances or conditions such that strict application would deprive the owner of reasonable use of the property.**

APPLICANT RESPONSE: *See application.*

STAFF OBSERVATIONS: The shape of the lot is irregular and narrows 42 feet from north to south. Additionally, the lot has street frontage on three sides and a rear yard setback along the remaining property line which reduces the amount of buildable area. Given the placement of the existing home and driveway, construction of an attached garage on this site in conformance with the setback requirements would be challenging.

- b. Granting the variance requested would observe the spirit of the Zoning Regulations and secure public safety and welfare.**

APPLICANT RESPONSE: *See application.*

STAFF OBSERVATIONS: The Zoning Regulations establish setbacks to maintain an appropriate amount of light and air amongst structures and to ensure compatible development of properties within the district in which they are zoned. Although the southern property line is a rear property line per the definition of the Zoning Regulations, it functions as a side yard since both homes on this block are oriented to East Polo Drive. The addition is set back 17 feet from the southern property line which is comparable to a typical side yard setback for a lot this size. Although the addition will be located 8 feet closer to the front property line along Hanley Road, it will be set back 2 feet behind the adjacent home to the south.

- c. **The deviation from strict application of the Zoning Regulations authorized by the variance would not constitute a change in the district map, impair an adequate supply of light and air to adjacent property, increase congestion in public streets, increase the danger of fire, materially diminish or impair established property values within the surrounding area and would not in any other respect impair the public health, safety, comfort, morals and welfare of the City of Clayton.**

APPLICANT RESPONSE: *See application.*

STAFF OBSERVATIONS: In this case, deviation from the strict application of the Zoning Regulations would allow for a buildable area for an attached garage comparable to other nearby lots. The addition is set back 17 feet from the southern property line which is comparable to a typical side yard setback for a lot this size. The addition will be set back two feet behind the adjacent home to the south, and will be partially screened from view on Hanley Road by an existing stone wall and wood fence. For these reasons, granting the variances would not likely impair an adequate supply of light and air or negatively impact adjacent property.

ALTERNATIVES:

The applicant has listed three alternatives. Refer to the application for more information.

BOARD ACTION:

The Board of Adjustment should consider all testimony and relevant facts to render its decision. The Board should articulate its findings of fact based on the criteria for consideration of variances into the record in support of its decision. After hearing the testimony and all relevant facts, the Board of Adjustment may, at its discretion:

1. Approve one or more of the appeals as presented or approve with specific conditions.
2. Table this item for further review.
3. Deny the appeal as presented.